

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: Original
POSITION: Neutral

BILL NUMBER: SB 9
AUTHOR: L. Yee

BILL SUMMARY: Sentencing

This bill would authorize a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without parole to submit a petition for recall and resentencing to the sentencing court, and to the prosecuting agency, as specified.

FISCAL SUMMARY

The Judicial Branch indicates that this bill has the potential to add to the courts' caseload, which increases backlogs, and could create a pressure on the General Fund to handle the increased caseload. However, we would note that the courts do not typically receive funding on a caseload basis, therefore, unless this particular caseload becomes significant and can be documented, it is likely to be absorbed.

The California Department of Corrections and Rehabilitation indicates that there would be no costs related to the provisions of this bill.

COMMENTS

The Department of Finance is neutral on this bill.

Existing law provides that the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, or both, may recommend to the court that a prisoner's sentence be recalled, and that a court may recall a prisoner's sentence. This bill would provide that once a defendant who was under 18 years of age at the time of the commission of the offense for which he or she was sentenced to imprisonment for life without the possibility of parole has served at least 10 years of that sentence, the defendant may submit a petition for recall and resentencing under specified circumstances. Defendants who have served 15 or more years but less than 25 years as of January 1, 2012, would be permitted to submit a petition for recall and resentencing, as specified.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
0250/Jud Branch	SO	No	-----	See Fiscal Summary			-----		0001
5225/Corr & Rehab	SO	No	-----	No/Minor Fiscal Impact			-----		0001

Analyst/Principal (0211) J. Osborn	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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